

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM BLACKWELL,	:	CIVIL ACTION NO. 1:12-CV-825
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
MIDDLETOWN BOROUGH POLICE	:	
DEPARTMENT, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 11th day of July, 2013, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 37), recommending that defendants' motion to dismiss the second amended complaint (Doc. 31) be granted in part and denied in part, and, following an independent review of the record, and noting that Plaintiff filed objections¹ to the report (Doc. 39) on June 28, 2013, and the court finding Magistrate Judge Carlson's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Magistrate Judge Carlson's report (Doc. 37), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 37) are ADOPTED.
2. Defendants' motion to dismiss the second amended complaint (Doc. 31) is GRANTED in part and DENIED in part as follows:
 - (a) The motion to dismiss is GRANTED with respect to all claims set forth in Counts II - V and these claims are DISMISSED.
 - (b) With respect to plaintiff's Fourth Amendment claims set forth in Count I, the motion is GRANTED as to Sergeant Hiester and DENIED as to Officers Fure and Crone.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge